

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In re REFCO INC. SECURITIES LITIGATION	:	Case No. 07-MD-1902 (GEL)
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This Document Relates to:

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KENNETH M. KRYN and CHRISTOPHER	:	
STRIDE, as JOINT OFFICIAL LIQUIDATORS	:	
of SPHINX LTD., SPHINX STRATEGY FUND	:	Case No. 08-cv-3065 (GEL)
LTD.; SPHINX PLUS SPC LTD., SPHINX	:	
DISTRESSED LTD., SPHINX MERGER	:	Case No. 08-cv-3086 (GEL)
ARBITRAGE LTD.; SPHINX SPECIAL	:	
SITUATIONS LTD., SPHINX MACRO LTD.;	:	
SPHINX LONG/SHORT EQUITY LTD.;	:	
SPHINX MANAGED FUTURES LTD.; SPHINX	:	<b><u>AFFIDAVIT OF SERVICE</u></b>
EQUITY MARKET NEUTRAL LTD.; SPHINX	:	
CONVERTIBLE ARBITRAGE LTD.; SPHINX	:	
FIXED INCOME ARBITRAGE LTD.; SPHINX	:	
DISTRESSED FUND SPC; SPHINX MERGER	:	
ARBITRAGE FUND SPC; SPHINX SPECIAL	:	
SITUATIONS FUND SPC; SPHINX MACRO	:	
FUND SPC; SPHINX LONG/SHORT EQUITY	:	
FUND SPC; SPHINX MANAGED FUTURES	:	
FUND SPC; SPHINX EQUITY MARKET	:	
NEUTRAL FUND SPC; SPHINX	:	
CONVERTIBLE ARBITRAGE FUND SPC;	:	
SPHINX FIXED INCOME ARBITRAGE FUND	:	
SPC; PLUSFUNDS MANAGED ACCESS FUND	:	
SPC LTD.; KENNETH M. KRYN and	:	
CHRISTOPHER STRIDE as assignees of claims	:	
assigned by MIAMI CHILDREN'S HOSPITAL	:	
FOUNDATION, OFI, GREEN & SMITH	:	
INVESTMENT MANAGEMENT LLC, THALES	:	
FUND MANAGEMENT LLC, KELLNER	:	
DILEO & CO., LLC, MARTINGALE ASSET	:	
MANAGEMENT LP, LONGACRE FUND	:	
MANAGEMENT LLC, ARNHOLD & S.	:	
BLEICHROEDER ADVISERS LLC, PICTET &	:	
CIE, RGA AMERICA REINSURANCE	:	
COMPANY, DEUTSCHE BANK (SUISSE) SA,	:	
ARAB MONETARY FUND, HANSARD	:	

INTERNATIONAL LTD., CONCORDIA  
ADVISORS LLC, GABELLI SECURITIES, INC.,  
CITCO GLOBAL CUSTODY; and JAMES  
P. SINCLAIR as Trustee of the SPHINX TRUST,

Plaintiffs,

-against-

CHRISTOPHER SUGRUE; MARK  
KAVANAGH; BRIAN OWENS;  
PRICEWATERHOUSECOOPERS L.L.P.; MARI  
FERRIS; PRICEWATERHOUSECOOPERS  
CAYMAN ISLANDS; GIBSON, DUNN &  
CRUTCHER LLP; REFCO ALTERNATIVE  
INVESTMENTS LLC; GRANT THORNTON  
LLP; MARK RAMLER; ERNST & YOUNG U.S.  
LLP; MAYER BROWN LLP f/k/a MAYER  
BROWN ROWE & MAW LLP; JOSEPH  
COLLINS; EDWARD S. BEST; PAUL KOURY;  
PHILLIP R. BENNETT; ROBERT C. TROSTEN;  
TONE GRANT; SANTO MAGGIO; THOMAS  
HACKL; DENNIS KLEJNA; BAWAG P.S.K.  
BANK FUR ARBEIT UND WIRTSCHAFT UND  
OSTERREICHISCHE POSTPARKASSE  
AKTIENGESELLSCHAFT; JP MORGAN  
CHASE & CO.; CREDIT SUISSE SECURITIES  
(USA) LLC f/k/a CREDIT SUISSE FIRST  
BOSTON LLC; BANC OF AMERICA  
SECURITIES LLC; THOMAS H. LEE  
PARTNERS, L.P.; THOMAS H. LEE  
ADVISORS, LLC; THL MANAGERS V, LLC;  
THL EQUITY ADVISORS V, L.P.; THOMAS H.  
LEE EQUITY FUND V, L.P.; THOMAS H. LEE  
PARALLEL FUND V, L.P.; THOMAS H. LEE  
EQUITY (CAYMAN) FUND V, L.P.; THOMAS  
H. LEE INVESTORS LIMITED PARTNERSHIP;  
1997 THOMAS H. LEE NOMINEE TRUST;  
THOMAS H. LEE; DAVID V. HARKINS;  
SCOTT L. JAECKEL; SCOTT A. SCHOEN;  
WILLIAM T. PIGOTT; LIBERTY CORNER  
CAPITAL STRATEGIES, LLC; EMF  
FINANCIAL PRODUCTS LLC; EMF CORE  
FUND LTD.; DELTA FLYER FUND LLC; ERIC  
M. FLANAGAN; INGRAM MICRO, INC.; CIM

VENTURES, INC.; BECKENHAM TRADING :  
 CO., INC.; ANDREW KRIEGER; COAST :  
 ASSET MANAGEMENT, LLC, f/k/a COAST :  
 ASSET MANAGEMENT LP; CS LAND :  
 MANAGEMENT LLC; CHRISTOPHER :  
 PETTIT; and REFCO GROUP HOLDINGS, :  
 INC.; and REFCO ASSOCIATES, INC., :  
 :  
 Defendants. :  
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STATE OF NEW YORK )  
 ) ss.:  
 COUNTY OF NEW YORK )

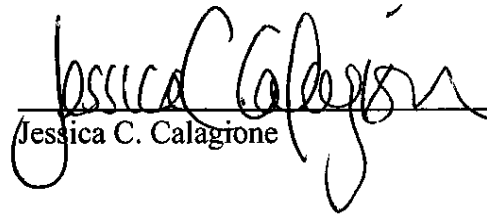
Jessica C. Calagione, being duly sworn, deposes and says:

1. I am not a party to the above-captioned actions, am over 18 years of age and reside in New York, New York.

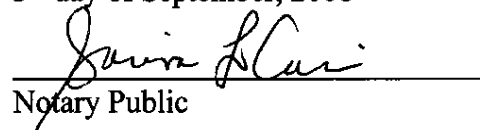
2. On the 19<sup>th</sup> of August, 2008, I caused to be served on defendant Christopher Sugrue by Federal Express and electronic mail true and accurate copies of the following documents (collectively, the "Documents for Service"): (i) the Summons and Complaint commencing this litigation in the Supreme Court of the State of New York, County of New York, on March 5, 2008; (ii) the Federal Summons issued in the above-captioned actions following the filing of Notices of Removal on March 26, 2008; (iii) an Order, entered by the Honorable Gerard E. Lynch on docket number 08-cv-3065 on August 18, 2008, directing service of process on Christopher Sugrue by international courier service and by electronic mail; and (iv) an Order, entered by the Honorable Gerard E. Lynch on docket number 08-cv-3086 on August 18, 2008, directing service of process on Christopher Sugrue by international courier service and by electronic mail (collectively, the "Documents for Service").

3. Attached hereto as Exhibit A is a true and accurate copy of the electronic mail message, to which the Documents for Service were attached, that was sent to Christopher Sugrue at his electronic mail address, chris.sugrue@yahoo.com.sg.

4. Attached hereto as Exhibit B is a true and accurate copy of the Federal Express tracking update showing delivery of the Documents for Service to Christopher Sugrue at Av. Amilar Cabral No 110-2, Ed. Sonongol Distribuidora, Luanda, Angola, on September 2, 2008.

  
Jessica C. Calagione

Sworn to before me this  
3<sup>rd</sup> day of September, 2008

  
Notary Public

SARINALO CASCIO  
Notary Public, State of New York  
No. 4973537  
Qualified in New York County  
Commission Expires October 22, 2011

# **EXHIBIT A**

**Calagione, Jessica C.**

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**From:** Calagione, Jessica C.  
**Sent:** Tuesday, August 19, 2008 1:14 PM  
**To:** 'chris.sugrue@yahoo.com.sg'  
**Cc:** 'Beus, Leo R.'; 'Dennis K. Blackhurst'; Dash, Andrew S.; Molton, David J.  
**Subject:** Krys, et al. v. Sugrue, et al., 08-cv-3065 and 08-cv-3086 (GEL) (S.D.N.Y.)  
**Attachments:** Cover letter, Sugrue.pdf; Sphinx Sugrue Substituted Service Order.pdf; Sphinx Sugrue Substituted Service Order II.pdf; Krys v. Sugrue Summons in a Civil Action.pdf; Krys v. Sugrue Summons and Complaint.pdf

Mr. Sugrue,

On behalf of Plaintiffs in the above-referenced litigation, I attach the following: (i) a cover letter; (ii) orders directing substituted service, entered and signed by the Honorable Gerard E. Lynch on August 18, 2008 on Docket Nos. 08-cv-3065 (S.D.N.Y.) and 08-cv-3086 (S.D.N.Y.); (iii) the federal summons issued in the above-referenced litigation; and (iv) the summons and complaint originally filed in New York State Supreme Court.

Jessica Calagione



**Jessica Calagione**

Brown Rudnick LLP  
Seven Times Square  
New York, NY 10036  
T: 212 209-4932  
F: 212 938-2880  
jcalagione@brownrudnick.com  
www.brownrudnick.com

9/2/2008

# **EXHIBIT B**

**Calagione, Jessica C.**

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**From:** TrackingUpdates@fedex.com  
**Sent:** Tuesday, September 02, 2008 1:26 PM  
**To:** Calagione, Jessica C.  
**Subject:** FedEx Shipment 792741151790 Delivered

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This tracking update has been requested by:

Company Name: Brown Rudnick  
Name: Jessica Calagione  
E-mail: jcalagione@brownrudnick.com

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Our records indicate that the following shipment has been delivered:

Reference: 2766/000005.0254  
Ship (P/U) date: Aug 19, 2008  
Delivery date: Sep 2, 2008 11:01 AM  
Sign for by: J.GONCALVES  
Delivered to: Receptionist/Front Desk  
Service type: FedEx International Priority  
Packaging type: FedEx Pak  
Number of pieces: 1  
Weight: 3.20 lb.  
Special handling/Services: Deliver Weekday

Tracking number: 792741151790

Shipper Information	Recipient Information
JESSICA CALAGIONE	CHRISTOPHER SUGRUE
BROWN RUDNICK	AV. AMILAR CABRAL NO 110-2;ED.
7 TIMES SQUARE	SONONGOL DISTRIBUIDORA
NEW YORK	LUANDA
NY	AO
US	
10036	

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All weights are estimated.

To track the latest status of your shipment, click on the tracking number above, or visit us at [fedex.com](http://fedex.com).

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9/2/2008